IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

WP(C).No. 28012 of 2006(I)

PETITIONER:

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1. THE MANAGER, A I S U P S.,
   MANJALY, MANNAM P.O., NORTH PARAVUR
   ERNAKULAM DISTRICT.

2. SINI K.J., L.P.S.A., A I S U P S.,
   MANJALY, MANNAM P.O., NORTH PARAVUR,
   ERNAKULAM DISTRICT.

BY ADV. SRI.ABRAHAM VAKKANAL
SRI.PAUL ABRAHAM VAKKANAL
SRI.ARUL KUMAR.P

RESPONDENTS:

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1. THE DIRECTOR OF PUBLIC INSTRUCTION,
   THIRUVANANTHAPURAM.

2. THE ASSISTANT EDUCATIONAL OFFICER,
   NORTH PARAVUR, ERNAKULAM DISTRICT.

BY GOVERNMENT PLEADER SRI. T.T. MUHAMMED.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 28012/2006.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE APPROVAL OF CONSTITUTION OF SCHOOL BY ORDER NO.K.DIS. G-4 10988/74.

EXT. P2 : TRUE COPYOF STAFF FIXATION ORDER 2005-06.

EXT. P2(a) : TRUE COPY OF THE STAFF LIST.

EXT P2(b) : TRUE COPY OF THE STAFF LIST.

EXT. P3 : TRUE COPY OF THE G.O.(P) NO.46/06/GE

EXT. P4 : TRUE COPYOF THE G.O.(P) NO. 73/06/GE.

EXT. P5 : TRUE COPY OF THE APPOINTMENT ORDER OF THE PROTECTED HAND AS LPSA.

EXT. P6 : TRUE COPY OF THE APPOINTMENT ORDER OF THE 2ND PETITIONER.

EXT. P7 : TRUE COPY OF THE COVERING LETTER.

EXT. P7(a) : TRUE COPY OF THE ENDORSEMENT NO.3-307/05/N DIS.BY 2ND RESPONDENT OBJECTING SALARY BILL OF THE 2ND PETITIONER.

EXT. P8 : TRUE COPY OF ORDER NO.K.DIS.F(5)/19064/06/DPI OF 1ST RESPONDENT.

EXT. P9 : TRUE COPY OF ORDER NO.D/981/06 OF 2ND RESPONDENT DEMANDING REFUND OF SALARY PAID.

K.M.JOSEPH, J.

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WP.(C) No. 28012 OF 2006

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Dated this the 15th day of December, 2006

JUDGMENT

Petitioner challenges Ext.P8, on the basis of which Ext.P9 is issued. It is not in dispute that against Ext.P8 order, petitioner has an alternate remedy by filing revision under Rule 92 of Chapter XIVA KER. In such circumstances, the petitioner should be relegated to the pursuit of the alternate remedy.

2. Heard Government Pleader also.

3. Counsel for the petitioner submits that the petitioners will file a revision against Exts.P8 and P9 within a period of one month from today. If a revision is filed against Exts.P8 and P9, the revisional authority under Rule 92 will take a decision thereon in accordance with law within a period of two months from the date of receipt of the revision after hearing the affected parties. Till such time as a decision is taken, the interim order passed by this court will continue. As far as the second petitioner is concerned, status quo as on today will continue till the petitioners file revision and thereafter it is open to the second

petitioner to seek interim relief before the concerned authority. This will be subject to the result of the revision.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.